



Signed and Filed: September 16, 2024

Dennis Montali

DENNIS MONTALI
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:) Bankruptcy Case
PG&E CORPORATION,) No. 19-30088-DM
) Chapter 11
- and -) Jointly Administered
PACIFIC GAS AND ELECTRIC COMPANY,)
Reorganized Debtors.)
☐ Affects PG&E Corporation)
☐ Affects Pacific Gas and)
Electric Company)
☒ Affects both Debtors)
* All papers shall be filed in)
the Lead Case, No. 19-30088 (DM).)

ORDER DENYING MOTION OF WILLIAM B. ABRAMS PURSUANT TO
FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004
FOR ENTRY OF AN ORDER AUTHORIZING DISCOVERY AND TRUST
COMPLIANCE WITH COURT ORDERS

I. INTRODUCTION

William B. Abrams filed his *Motion of William B. Abrams Pursuant to Federal Rule of Bankruptcy Procedure 2004 for Entry of an Order Authorizing Discovery and Trust Compliance With*

1 Court Orders ("Motion") (Dkt. 14474) on June 6, 2024. The Fire
2 Victim Trust ("FVT") opposed that Motion with its *Response and*
3 *Objection to Motion of William B. Abrams Pursuant to Federal*
4 *Rule of Bankruptcy Procedure 2004 for Entry of an Order*
5 *Authorizing Discovery and Trust Compliance With Court Orders*
6 (Dkt. 14529). Mr. Abrams filed his *Response of William B.*
7 *Abrams to the Order Regarding Williams B. Abrams Recent Filing*
8 (Dkt. 14507).

9 Mr. Abrams has requested more than what is within the reach
10 of Fed R. Bankr. P. 2004 ("Rule 2004") in this case. It is true
11 that Rule 2004 is available to facilitate the gathering of
12 information. Efforts must "relate only to the acts, conduct, or
13 property or to the liabilities and financial condition of the
14 debtor, or to any matter which may affect the administration of
15 the debtor's estate, or to the debtor's right to a discharge."
16 Rule 2004(b). It is also true that this court has expanded the
17 availability of Rule 2004 to the FVT in its efforts, and has
18 agreed to afford Mr. Abrams a similar but limited right earlier
19 in this case in connection with some activities of the FVT.

20 The Rule 2004 discovery Mr. Abrams now seeks covers topics
21 that he believes are fair game for more discovery.¹ The court
22 will focus on three principal topics of the request that
23 arguably could support some Rule 2004 discovery were these cases
24 not so far along and the activities of the FVT and the Trust
25 Oversight Committee ("TOC") so near to completion. To the
26 extent that Mr. Abrams seeks other relief, such as compliance

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28 ¹ See Dkt 14474, PP. 17-20 and the 12 enumerated topics, and his
proposed order at PP. 25-27.

1 with prior orders (as he frames the request), there is no
2 authority, nor good reason, to grant such further relief.

3 **II. DISCUSSION**

4 First, Mr. Abrams wants more information about the FVT's
5 engagement of various law firms, or consortiums of law firms, to
6 represent the FVT in various lawsuits that were assigned to it
7 under the confirmed Plan and that have produced hundreds of
8 millions of dollars so far.

9 Second, Mr. Abrams is concerned about the potential for a
10 substantial settlement of one portion of that litigation that
11 will benefit the FVT in large measure, but also benefit others
12 who are prosecuting similar actions on their own.

13 Finally, Mr. Abrams seeks discovery about any activities by
14 the FVT or others involving lobbying efforts to improve the
15 recoveries of the survivors of the various PG&E wildfires in
16 2015, 2017 and 2018 that funded the Plan, then in due course,
17 funded the FVT and its wildfire survivor beneficiaries.

18 The court addresses those three concerns in turn.

19 **A. Retention Agreements.**

20 In the Motion at page 6 of 67, Mr. Abrams lists a series of
21 retention agreements involving the FVT and various law firms
22 chosen by John K. Trotter, the initial trustee of the FVT, not
23 long after the Plan became effective and the FVT began
24 functioning largely free of any court supervision. The record
25 is clear that any matters that have been fully resolved that are
26 described in that portion of the Motion have been disclosed.
27 Conversely, matters that are still pending, and thus not
28 concluded, have not been fully disclosed. They will be in the

1 future without an order and therefore an examination under Rule
2 2004 is uncalled for.

3 The court has, *in camera*, reviewed all of the underlying
4 confidential retention agreements and is satisfied that the
5 retentions were proper and that none of the law firms who are
6 parties to those various retention agreements have at the same
7 time taken positions adverse to the interests of the FVT, Mr.
8 Abrams or any wildfire survivors, or have represented claimants
9 with competing claims. Accordingly, the court will deny that
10 portion of the Motion that seeks further discovery or any other
11 enquiries regarding the retention agreements or related matters.

12 **B. Mr. Singleton's Role.**

13 Before this bankruptcy was commenced in January 2019,
14 certain litigation had been initiated in state courts against
15 various defendants including Debtors. Mr. Singleton, or his
16 prior firm, served as counsel to some of those claimants, as did
17 Bill Robins, III, of Robins Cloud LLP. Mr. Robins and Mr.
18 Singleton are members of the TOC. See Dkt. 8195, Exhibit 1.

19 Exhibit C2 submitted by Mr. Abrams as part of his August 2
20 submission (Dkt. 14559) is a substitution of attorney filed in
21 JCCP No. 4955, CGC-17-562192 on September 13, 2018 in the
22 Superior Court of California, County of San Francisco. In that
23 substitution, Mr. Robins' firm replaced Mr. Singleton's. The
24 only relevance of that event to this dispute is that both of
25 those counsel were actively involved in fire prosecutions before
26 PG&E filed bankruptcy and therefore before the Plan was
27 confirmed or the FVT created. The significance is that at the
28

1 time of the creation of the TOC, John K. Trotter was well aware
2 of the participation of those individuals in that litigation.

3 He and the TOC were therefore aware of Singleton Schreiber
4 LLC's representation of other fire survivors in the state court
5 from the outset. If Trustee Trotter had cause for concern he
6 would not have remained silent about Mr. Singleton's appointment
7 to the TOC. There is no need now to go back and revisit that
8 appointment by subjecting Mr. Singleton or Mr. Robins to a Rule
9 2004 examination about those events. There is no way for the
10 court to know why the trustee did not hire Mr. Singleton's or
11 Mr. Robins' firms, but there is no need to be concerned because
12 that never happened.

13 Mr. Abrams' concerns were exacerbated by his becoming aware
14 of a letter of April 29, 2024 to "Dear Clients" from Mr.
15 Singleton, whose clients stand to share in the litigation
16 described in that letter.

17 There is no reason to question the allocation among the FVT
18 or other claimants of a fixed settlement fund, particularly when
19 the overwhelming portion of that settlement is for the FVT.
20 Such an allocation among competing claimants to a fixed sum is
21 not unusual and does not implicate Mr. Singleton and his
22 continued service on the TOC.

23 There is nothing presented by Mr. Abrams that hints or
24 suggests that there has been any improper conduct or conflict of
25 interest based on Mr. Singleton's or Mr. Robins' representation
26 of pre-bankruptcy wildfire survivors who are not beneficiaries
27 of the FVT and in their performance of their responsibilities as
28 TOC members. There is nothing, therefore, for Mr. Abrams to expend

1 his efforts or their efforts, or the court's involvement, or the
2 FVT's expense in pursuing that matter further.

3 **C. Lobbying Activities.**

4 In the Response to the Motion, the FVT has represented that
5 the current Trustee, Cathy Yanni, has not employed any lobbyists
6 to act on behalf of the FVT in 2023 or 2024. Ms. Yanni did send
7 a letter to a United States Senator pointing out her support for
8 HR 7024, the Tax Relief for American Families and Workers Act of
9 2024, which would amend the Internal Revenue Service Code to
10 exclude qualified wildfire relief payments from gross income.
11 If Ms. Yanni's efforts help produce a result for Mr. Abrams, the
12 PG&E wildfire victims, or other similarly situated persons, that
13 is a desirable result. A simple letter such as that is hardly
14 lobbying activity the court needs to examine, or Mr. Abrams
15 needs to do anything but hope for a favorable result. It does
16 not justify allowing Mr. Abrams to expend FVT's resources in his
17 attempt to uncover further lobbying activities.

18 Mr. Abrams did provide a May 6, 2024 letter from Mr.
19 Singleton's law firm addressed to "Dear Client" and reporting
20 that he (Mr. Singleton) is excited to announce a new coalition
21 called The Fairness of Fire Victims which will advocate a
22 commonsense solution to make PG&E wildfire victims 100% whole.
23 That letter does not purport to be on behalf of the FVT nor
24 would Mr. Singleton have standing or authority to act in that
25 capacity.

26 Once again, successful lobbying efforts on behalf of PG&E
27 wildfire survivors, and other wildfire survivors, can only be a
28 beneficial result and not something to generate unnecessary and

1 costly Rule 2004 discovery directed at a person who is
2 undertaking that at no expense to, or on behalf of, the FVT.

3 **III. CONCLUSION**

4 For all these reasons, Mr. Abrams' Motion is DENIED in its
5 entirety.

6 ****END OF ORDER****
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COURT SERVICE LIST

William B. Abrams
625 McDonald Ave.
Santa Rosa, CA 95404